

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 \* \* \*

4 GEORGIO SER,

5 Plaintiff,

6 v.

7 LELAND DUDEK,  
8 Commissioner of Social Security, *et al.*,

9 Defendants.

Case No. 3:25-cv-00174-MMD-CLB

**ORDER GRANTING APPLICATION  
TO PROCEED *IN FORMA PAUPERIS*,  
SCREENING COMPLAINT, AND  
DENYING MOTION FOR  
APPOINTMENT OF COUNSEL**

[ECF No. 1-1, 6, 7]

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11 Plaintiff has filed an application to proceed *in forma pauperis* ("IFP") in an action  
12 involving judicial review of administrative action by the Secretary of Health and Human  
13 Services, denying Plaintiff's claim for disability benefits under the Social Security Act. In  
14 the IFP application, Plaintiff listed minimal income and assets (ECF Nos. 6, 9).

15 For good cause appearing, **IT IS ORDERED** as follows:

16 (1) Plaintiff's application to proceed IFP, (ECF No. 6), is **GRANTED**. Plaintiff is  
17 permitted to maintain this action without the necessity of prepayment of fees or costs or  
18 the giving of security therefor.

19 (2) The Complaint shall **PROCEED** with respect to review of the disability benefits  
20 claim only, and the Clerk shall **FILE** the Complaint (ECF No. 1-1).

21 (a) To the extent Plaintiff is attempting to name Sigal Chattah, Paula Lee,  
22 or Pamela Bondi as defendants, these defendants are dismissed, and this  
23 action will proceed only as to Commissioner of Social Security Leland  
24 Dudek.

25 (3) The Clerk shall provide notice of this action to the Commissioner pursuant to  
26 Rule 3 of the Supplemental Rules for Social Security.

27 (4) From this point forward, Plaintiff must serve a copy of every pleading or other  
28 document submitted for consideration by the Court upon the defendant or, if an

1 appearance has been entered by counsel, upon the attorney. Plaintiff must include with  
2 the original of each document to be filed with the Court a certificate stating that a true  
3 and correct copy of the document was served on the defendant, or counsel, if the  
4 defendant has an attorney. Under Local Rule 5-1 the proof of service must show the day  
5 and manner of service and the name of the person served. The Court may disregard any  
6 paper received which has not been filed with the Clerk, or that fails to include a certificate  
7 of service.

8 (5) Finally, as to Plaintiff's motion for counsel, in civil cases, a self-represented  
9 litigant does not have a constitutional or statutory right to appointed counsel. See  
10 *Storseth v. Spellman*, 654 F.2d 1349, 1353 (9th Cir. 1981). In limited circumstances,  
11 courts are empowered to request an attorney to represent an indigent civil litigant. For  
12 example, courts have discretion, pursuant to 28 U.S.C. § 1915(e)(1), to "request" that an  
13 attorney represent indigent civil litigants upon a showing of "exceptional circumstances."  
14 *Ageyman v. Corrections Corp. of America*, 390 F.3d 1101, 1103 (9th Cir. 2004). To  
15 determine whether the "exceptional circumstances" necessary for appointment of  
16 counsel are present, courts evaluate (1) the likelihood of plaintiff's success on the merits  
17 and (2) the plaintiff's ability to articulate his claim pro se "in light of the complexity of the  
18 legal issues involved." *Id.* (quoting *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir.  
19 1986)). Neither of these factors is dispositive and both must be viewed together. *Wilborn*,  
20 789 F.2d at 1331. At this time, the Court does not find that exceptional circumstances  
21 exist that warrant appointment of counsel and therefore Plaintiff's motion for counsel,  
22 (ECF No. 7), is **DENIED**.

23 **IT IS SO ORDERED.**

24 **DATED:** May 5, 2025

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UNITED STATES MAGISTRATE JUDGE